

# Bereskin & Parr



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Practice Restricted to Intellectual Property Law

Scott Pundsack B.Ap.Sc. (Civ. Eng.), LL.B.  
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Your Reference: 09/425,234  
Our Reference: 4320-91

Application  
Serial No.: 09/425,234  
Filing Date: October 25, 1999

## RESPONSE

Title: MAINTENANCE CLEANING  
FOR MEMBRANES

Examiner: R. Popovics

Art Unit: 1723

Reference: 4320-91

Date: June 7, 2002

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TECHNOLOGY CENTER 1700

The Commissioner of Patents & Trademarks  
Washington, D.C.  
U.S.A. 20231

## RESPONSE

Dear Sir:

This is in response to the communication from the Examiner dated May 20, 2002. The Examiner states that the Applicants failed to adequately respond to the provisional obviousness type double patenting rejection relating to copending application no. 09/425,235. Filed under cover of the transmittal form for this response are:

please send your reply to

Meadowvale Corporate Centre, 2000 Argentia Road  
Plaza 4, Suite 430, Mississauga, Ontario, Canada L5N 1W1  
t: 905 812 3600 f: 905 814 0031

Scotia Plaza, 40 King Street West, 40th Floor  
Toronto, Ontario, Canada M5H 3Y2  
t: 416 364 7311 f: 416 361 1398

[www.bereskinparr.com](http://www.bereskinparr.com)

1. Papers for recording an assignment from the Applicants to Zenon Environmental Inc. and
2. A Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application made in relation to copending application number 09/425,235 and executed on behalf of the owner, Zenon Environmental Inc.

The Applicants submit that these documents remove the provisional double patenting rejection.

For the reasons given above, the applicants submit that the application is in condition for allowance.

Respectfully submitted,

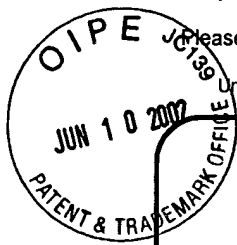
By: Scott Pundsack

Scott Pundsack

Registration No. 47,330

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1723\$



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08/00)  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/425,234	
	<b>Filing Date</b>	October 25, 1999	
	<b>First Named Inventor</b>	RABIE, Hamid	
	<b>Group Art Unit</b>	1723	
	<b>Examiner Name</b>	Robert J. Popovics	
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket Number</b>	4320-91

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input checked="" type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BERESKIN & PARR ; SCOTT PUNDACK , 47, 330
Signature	<i>Scott Pundack</i>
Date	June 7, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 150.00

## Complete if Known

Application Number	09/425,234
Filing Date	October 25, 1999
First Named Inventor	RABIE, Hamid
Examiner Name	Robert J. Popovics
Group Art Unit	1723
Attorney Docket No.	4320-91

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account:  
Deposit Account Number: 022095  
Deposit Account Name: Bereskin & Parr

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims - 20 \*\* = 0 X 0.00 = 0.00  
Independent Claims - 3 \*\* = 0 X 0.00 = 0.00  
Multiple Dependent 0 = 0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer					110.00
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$) 150.00					

## SUBMITTED BY

Name (Print/Type)	Scott R. Pundsack	Registration No. (Attorney/Agent)	47,330	Complete (if applicable)	
Signature	Scott Pundsack	Telephone	(416) 364-7311	Date	June 7, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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